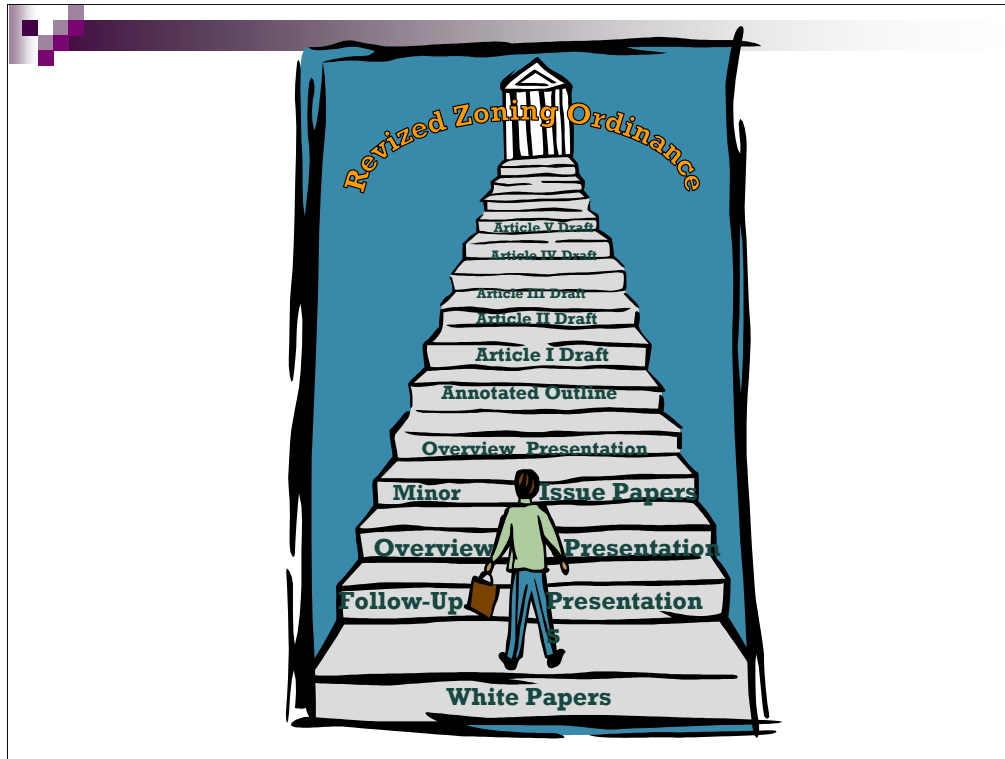


Since our last overview in January, staff have now come to discuss 7 topics of policy considerations for the zoning revision. We still have one more presentation on environmental concerns and may be coming back to you for additional discussions throughout the revision process but the next stage of the revision will be to incorporate the direction we've been getting from you into the outline – before we enter into that next section, we'd like to highlight again the topics we've discussed so far. We'd like to consider this as a status report before we start the next phase

Time to ask questions - reaffirmation too

Question for tonight is whether Mayor and Council would like to add anything before we go forward.

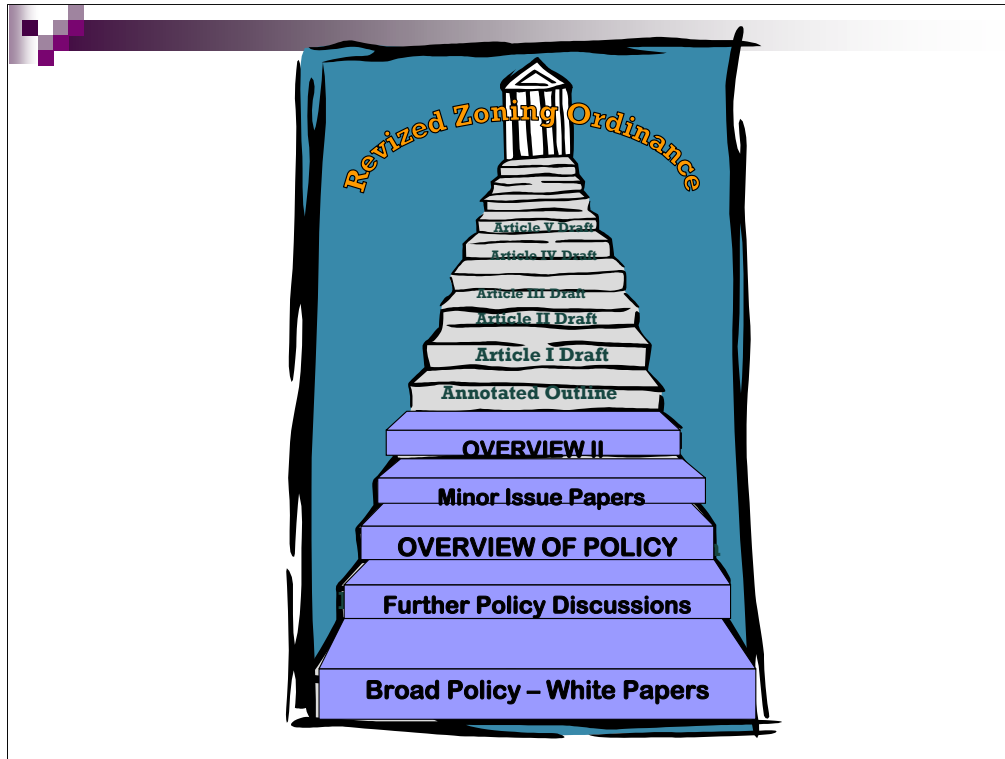
Even summarized this is still a substantial amount of information. That is why we are only going to talk about this summary tonight. I've also attached a summary checklist to the agenda highlighting major policy recommendations that will change current zoning policy in the City. We'll take each topic one at a time and give you an opportunity to comment between topics.



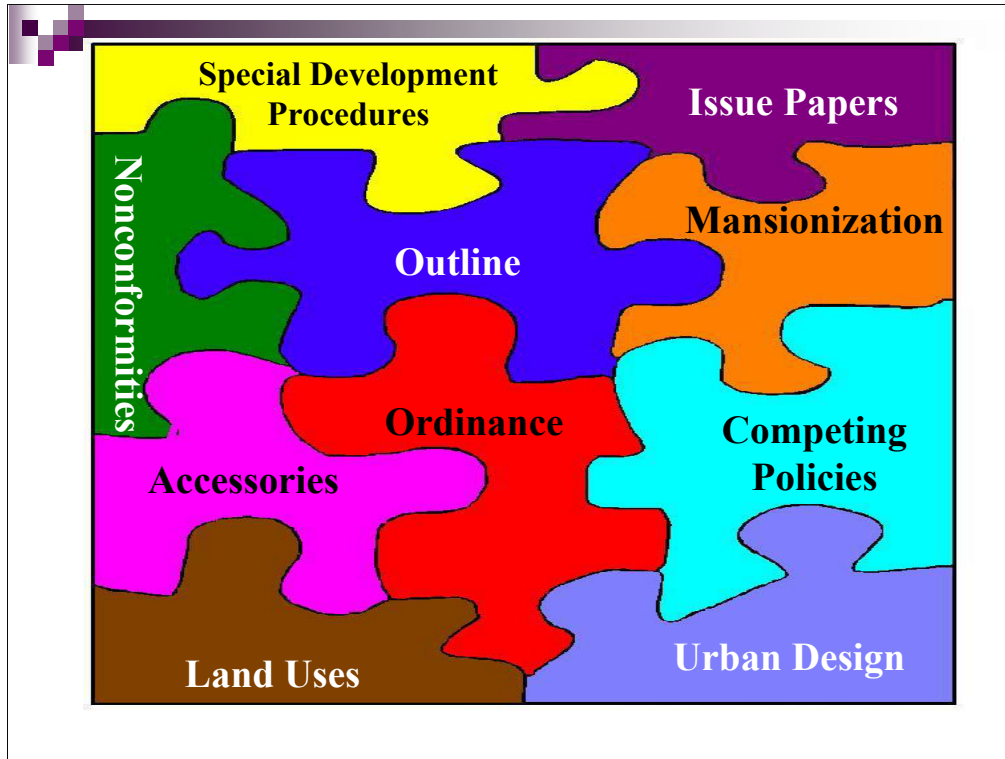
Introductory presentations provided overview of what a number of possibilities are for the revision based on what other jurisdictions throughout the country are doing.

Each paper was meant to provide the Mayor and Council with 1) an explanation of the terms and concepts of these planning topics as they are associated with a zoning revision, 2) an overview of different methods of addressing these planning issues used throughout the country, and 3) some staff recommendations of the methods that should be used in the zoning revision for the City of Rockville.

While all the information presented to date (including copies of the presentations) has been included in the Rockville Zoning Reference Book presented to Mayor and Council, before staff begins the next stage of the revision, staff would like to remind Mayor and Council of the recommendations that staff made. If the Mayor and Council still agrees with these recommendations, staff will continue to develop these policies, incorporate them into the outline, and develop more particular recommendations (i.e. going up to a smaller stair).



We're still moving up those stairs.



Another illustration we've used to illustrate the zoning process is a puzzle. Much like a puzzle its necessary to build the outside before the center can be put together.

Each pieces is developed separately, but they are all interconnected. When we get a full picture we might have to go back and tweak some pieces to make them fit better, but for now the policy we established already can help us move forward.

Although, as I mentioned earlier, we still have one more paper presentation to give, you can see that we've built solid parameters for our outline.



Now, I'll start with the individual topic discussions.

# Accessories

- Uses
- Structures
- Must be:
  - 1) Necessary & customarily associated
  - 2) Appropriate
  - 3) Incidental
  - 4) Subordinate



There are two types of accessories in a zoning ordinance – Uses and Structures. Like an accessory to your clothes, land use accessories add to the overall convenience / appeal of the property as a whole.

They must meet the four basic requirements to be accessory in nature – also under the same ownership and legally established.

The key for uses is to distinguish *accessory* uses – meaning it meets all the requirements I just talked about of subordination / same ownership – and *secondary* uses (which can sometimes become bigger than the first use and does not necessarily have to be under the same ownership as the first use).

Only when a use is an accessory does it have to meet the particular requirements of an accessory use. Those requirements are: 1) the size of the use must be subordinate to the principal use – for residential uses the requirement is 20% of the gross floor area of the dwelling – for non-residential uses the requirement is 10% the gross floor area of a structure.

# Home Based Businesses

- Currently 6 types based on use
- Proposed allowing more uses BUT
  - Dividing them into 3 categories
  - Based on traffic / parking burden
  - Consistent with County regulations



One commonly discussed type of accessory use is a home based business. There are currently 6 specific HBBs in the zoning ordinance.

The recommendations from the accessory paper was to allow more types of uses in the home but restricting them based on burden of the use on the neighborhood (traffic and parking). These three categories would be based on the County's requirements and allow some by right, some with registration, and some with special exception approval.

# Accessory Apartments

- Public Benefit
  - Added density around transit
  - Elderly family care
  - Extra income
  - Affordable housing options
- Regulations reduce burden on neighbors



Accessory Apartments serve many public functions. They can add extra density around transit areas to encourage people to use alternative modes of transportation; they provide a way to keep elderly family members close to check on them but also allow them their own privacy; they can provide added income to homeowners; and they provide affordable housing options in an increasingly expensive housing market.

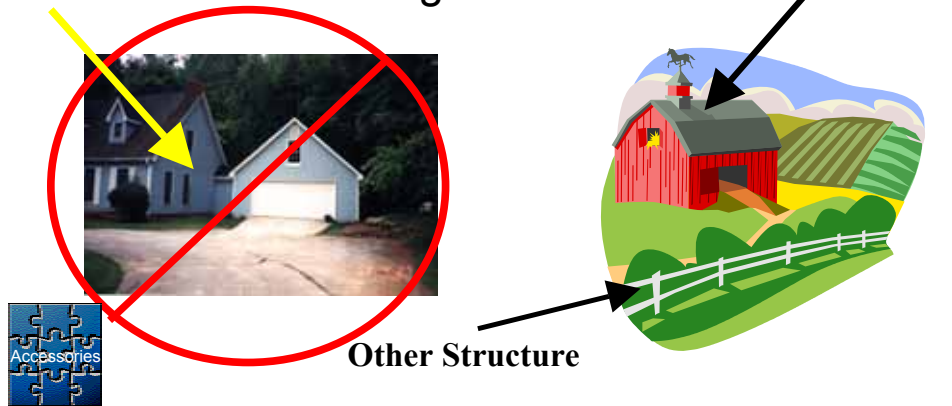
The requirement is to balance the good of these dwellings with the potential burden on neighbors. The zoning ordinance can reduce the burden on neighbors. These additional dwellings in a home currently require that they 1) be attached to the main single-family detached dwelling. In other words can't have it above a garage located in rear yard. They must also have their own kitchen and bathroom (so they are quite different from just renting a room out of your house and therefore require building permit approval).

We've talked about reviewing these in general – as to where we want to allow these, their impacts (*in particular in relation to boarding*).



# Accessory Structures

- Detached – no common wall / roof
- Difference building v. structure



The second type of accessory, structures has two common requirements in the current zoning ordinance

1. They are detached from the main building (show picture – even though may look disconnected at first glance it is not)
2. They have different requirements for a building versus other types of structures

## Recommendations

- Clarify definitions / regulations
- Accessory Uses
  - Home-based businesses
  - Accessory Apartments
- Waiver for historic structures



The purpose of accessory uses and structures must be clear so that the average reader can understand the regulations associated with them. Thus, the purpose statements, requirements, or perhaps lack of requirements should be clear.

Along those lines, definitions are needed that distinguish between secondary and accessory uses (especially with increased mixed-use with more secondary uses on a lot) and buildings and other structures.

Regulate home-based businesses based on the impact of traffic and parking the business generates. Staff recommends a 3-tier system divided by traffic impact. Inspection regulations could also be included at the City's expense or inspection/enforcement can rely on neighborhood self-regulation.

-Relax accessory apartment regulations in certain areas of the city.

- Include a waiver provision so that the area of a historic structure does not limit the ability to add a new garage or other accessory structure. This of course would have to be coordinated with the HDC. When modern accessory structures are desired, (garages, sheds) historic structures are sometimes demolished to ensure that the lot meets building coverage requirements.



# Approving Bodies

# Approving Bodies

- Mayor and Council
- Planning Commission
- Board of Appeals
- Historic District Commission
- Sign Review Board
- Staff



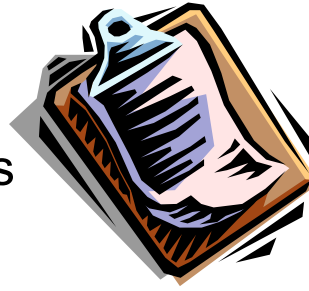
The overarching point of the approving bodies paper was that the current board requirements and review authority are generally working fine in relation to planning and zoning issues. Staff did recommend a few modifications proposed for the zoning revision (explained later).



Approving bodies are a hierarchy of decision making authority – from broad decisions to very technical decisions. The Issue Paper and Agenda used the upside down triangle. This is a 3D version of that image. Mayor and Council make policy decisions which are the base of all decisions. Those policy decisions are very broad, as compared to the top layer of the wedding cake which is staff's responsibility – to make very small, technical decisions.

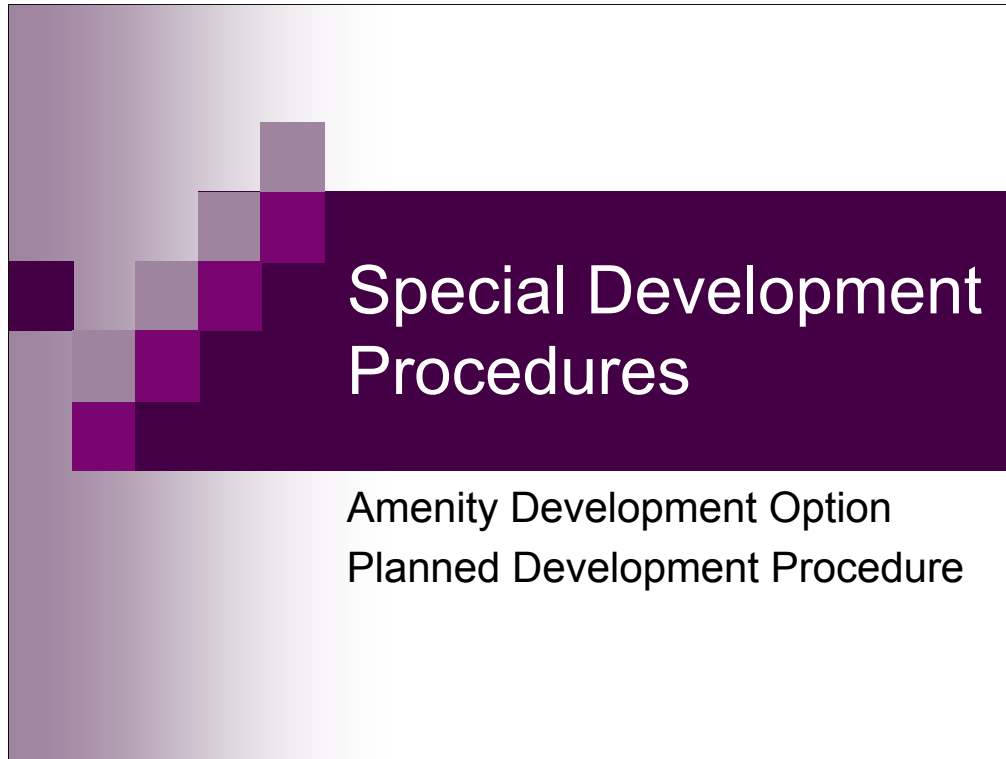
## Recommendations

- Maintain current boards
- Clarify boards' roles
- Include the same type of regulations for each board;
- Include administrative adjustments



MC mentioned a couple of times their interest in considering the use of architectural review boards in the City. While that will continue to be considered, in addition to other alternatives, the overarching recommendation is to maintain the City's current boards and to provide all necessary regulations pertaining to these boards in the zoning ordinance.

Staff also recommended including administrative adjustments. This is a new allowance granted by 66B and staff will be mindful as we draft the language for this what types of adjustments may be allowed and provide for review and appeals provisions.



The second part of the special development procedures was presented on January 26 where we provided some more detail as to the types of regulations we propose for special development procedures.

# Special Development Procedures

## ■ ADO

- ☐ New development / Redevelopment
- ☐ Under 40 acres?

## ■ PDP

- ☐ 40 acres and above?
- ☐ New Falls Grove / King Farm application
- ☐ Allow for redevelopment too

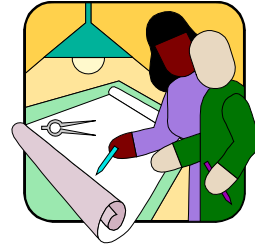


The proposal is for a two tier process – an Amenity Development Option and an Planned Development Procedure. Whether either of these will be used is up to the developer – and which one is based on the size of the development and possibly the location of the development. Currently, the requirement for a PRU or CPD is 40 acres so that number has been floated around as the possible dividing line; however, with few 40 acre sites remaining in the city, we'll be reviewing that number.

Both of these alternatives will provide more amenities to the City in exchange for alternative development rights. They will also ensure that more standards for redevelopment is provided than the current special development procedures provide.



# Who Approves?



## ■ ADO

- ☐ Staff – minor
- ☐ Planning Commission – medium
- ☐ Mayor and Council – only if amenities outside scope of zoning

## ■ PDP

- ☐ Same as now (PRU)
- ☐ Mayor / Planning Commission / Staff all involved

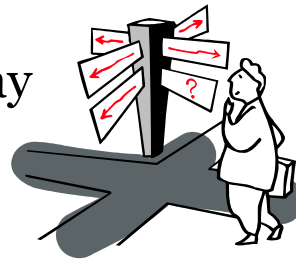


We see different review for these two options. The ADO review will depend on the size of the development and/or the amenity or development adjustment required.

The PDP procedure will be based on the current standards for the PRU – all groups will be reviewing the project at different stages.

## Other Alternatives

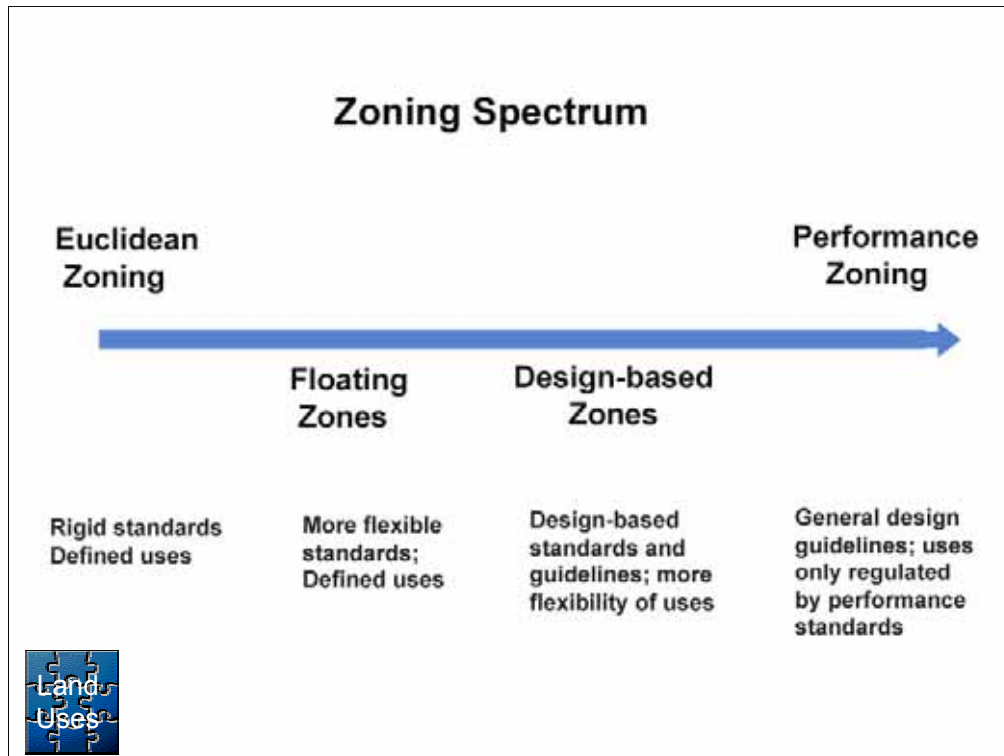
- Floating Zone Possibility
- Overlay Zones
  - Conservation Districts
  - Historic District Overlay



There are two other possibilities of alternative development to the base district regulations. Those being considered are floating and overlay zones.



# Land Uses



Traditional zoning assumes that different types of uses are inherently incompatible and must be separated from each other. This is the basis of Euclidean zoning schemes, the kind the City has relied on since zoning was first applied in 1931. Over the past 30 years, newer zoning concepts have been developed that recognize the desirability of having more flexibility in how land uses are distributed. Euclidean zoning is fairly rigid in both development standards and use allowances. Floating zones and design-based zones provide more flexibility, particularly with regard to design. Performance zoning is based on how one use might affect an adjoining use, with little regard for the actual use characteristics. Any or all of these concepts can be incorporated into a zoning code.

# Land Uses

- Traditional = Distinct use divisions
- Mixed-use/Form-based = Broader use categories
- Variety of Uses
  - Permitted
  - Special Exceptions
  - Permitted with conditions



In sum, traditional Euclidean zoning depends on a fairly rigid separation between different land uses, on the theory that all uses must be closely examined for compatibility. In mixed-use or form-based zones, it is assumed that most uses can be compatible with each other, perhaps with some defined performance standards. These will need to be further examined and refined during the revision process. We also need to refine and update the definitions, both to reflect more modern terms and to remove regulations within definitions. We also need to examine the special exception uses to determine if some can be allowed by right, or allowed as conditional permitted use instead of having to go before the Board of Appeals.

## Recommendations



- Consolidate Uses
- Reorganize Land Use Tables
- Clarify Definitions
- Review Special Exceptions
- 2 Types of Zoning Districts
  - Traditional – More defined uses
  - Mixed-Use – Broader use categories



The recommendations from the white paper are as follows: consider consolidating the various uses into broader categories, at least when included within mixed-use development areas. Reorganize the land use tables to be more user-friendly—group uses by similar categories, for instance. Clarify and add definitions as needed.

Review the special exception process to determine if some uses can be permitted with conditions and not have to go to the Board of Appeals. Provide some degree of definition flexibility to accommodate new emerging uses. Examine the idea of have two types of zoning areas—traditional, Euclidean types (such as the one-family residential zones), and mix-use districts where uses can be more flexibly applied, perhaps with some performance standards.



# Green Requirements

Open Space

Impervious Surfaces

Screening / Landscaping

# Impervious Surfaces

- No current limitation on paving
- Definitions of impervious different
  - Aesthetics
  - Environmental
- Permitting
- Other Code controls



**Currently**, there is no limitation on the ability to pave over an entire res yard. Current lot coverage lmt control only bldg footprint on a lot, not paving materials.

**Definitions** – the types of lot coverage materials that may be controlled for aesthetics may not be the same as for environment. Pools / plastic sheeting

**Permitting** - The City does not currently keep track of paving like driveways or patios – would require more staff / more information from citizens like surveys (cost \$\$).

**Other Code Controls** - A concern is the runoff of water from 1 res property onto neighbors' property. Stormwater management is addressed in other sections of City code (Chapter 5). The increase in runoff from a change on the owner's yard cannot affect their neighbors. Some form of control is required, be it dry wells or piping the water to the City's storm drains (directly, or via the street gutters). The City requires creating or improving regional stormwater mgmt facilities to control runoff and sediment from portions of the City that were developed prior to any substantive stormwater control. Regional facilities control stormwater from a number of recent developments; however it is not feasible to locate or improve facilities in all developed areas of the City. Most of the CPD projects (KF and Fallsgrove) have some degree of stormwater and sediment management programs that were approved as part of the initial development.

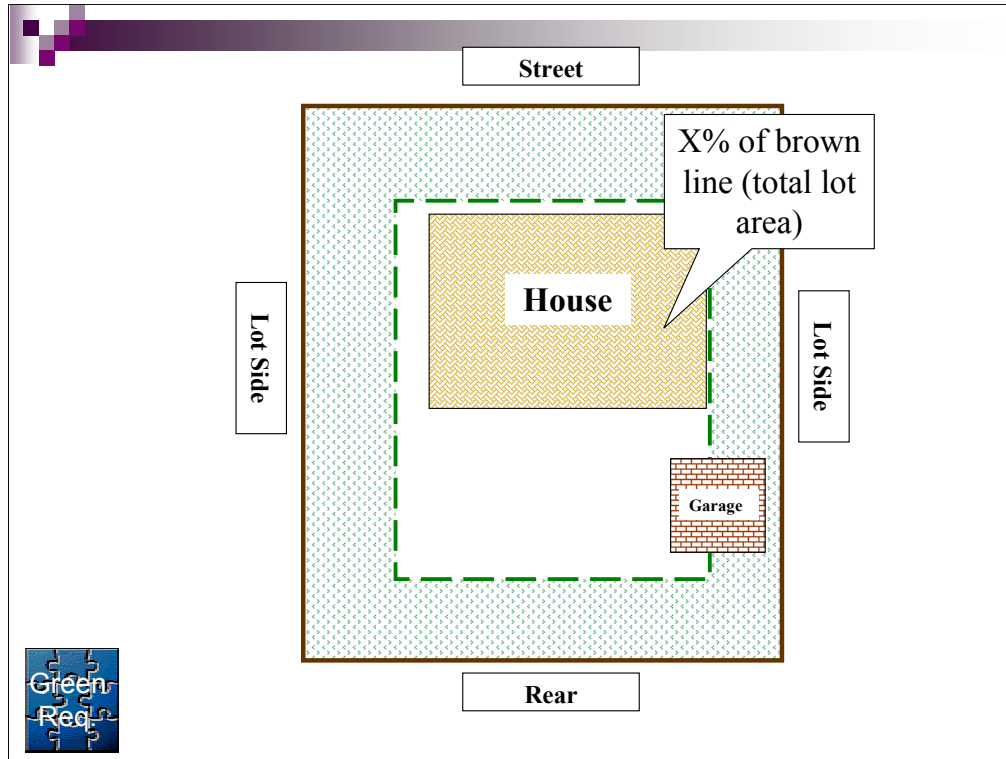


## Residential Alternatives

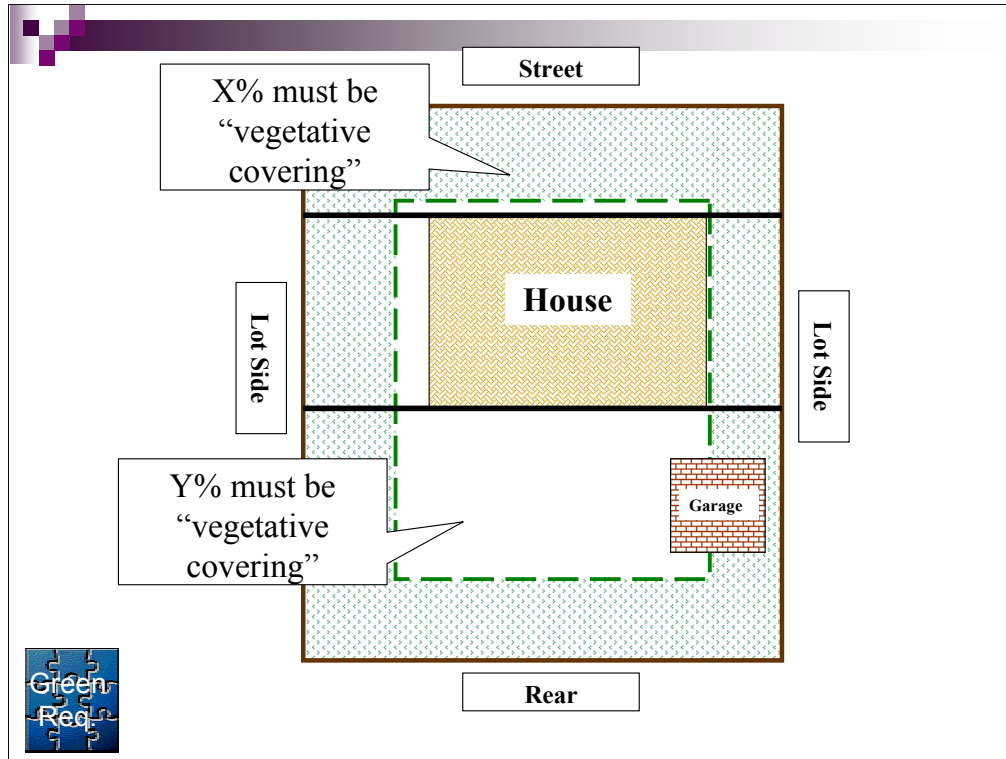
- Main Building Lot Coverage
- Vegetative Covering Requirement



Two proposals from this paper for residential districts are . . . .



What we propose are two things – first a main building lot coverage – meaning that the house alone must be a certain % of the area within the brown line.  
This is the main building lot coverage requirement.



The second is a yard vegetative covering requirement – which, according to MC comments at this presentation included a rear yard covering requirement. A percentage of the area in the front of the house (above the blue line) must be covered with something vegetative – again that will be developed later but likely mean grass, trees, etc. not hardscaping (paving, asphalt, concrete). A similar number (though it may be different) will be applied to the rear yard.

## City-Wide Concerns

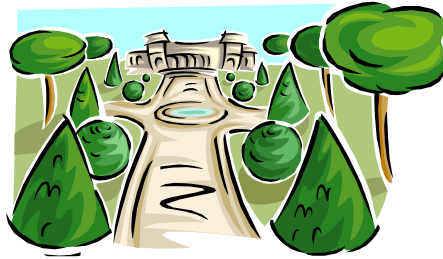
- Conflict of Interests
  - Save all trees
  - Save certain trees
  - Save no trees
- Parking lots
- Setbacks
- Sidewalks



This will be discussed in further detail when we address the city environment paper on March 6<sup>th</sup> – but wanted to remind everyone of this discussion (keep it in the front your mind).

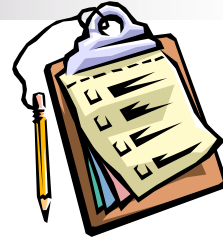
## Screening and Landscaping

- A number of issues still left open
  - Type material
  - Where to locate
  - Maintenance



Another proposal from this paper was to provide a screening and landscaping manual which will provide more guidance to the landscaping in the City – meaning type of materials, where to locate certain things, and maintenance requirements.

## Recommendations



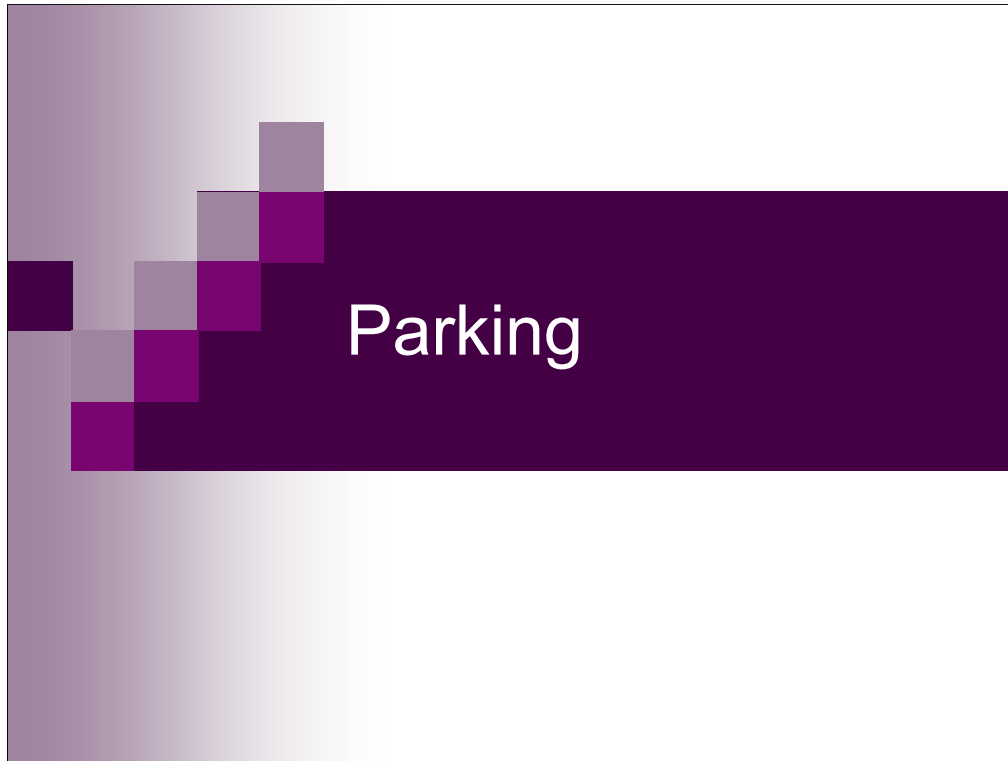
- Clarify definitions
- Require all PDPs to provide open space
  - Specify type of open space
  - Specify whether public or private
- For single-family detached districts:
  - Main Building Lot Coverage
  - Vegetative Covering Front Yard Requirement
- Provide Landscaping / Screening Manual



Recommendations from this paper include to clarify the definitions of greenspace so that we have hardscaping where we want it and plants where we want them.

There will a requirement in the ordinance for all planned developments to provide open space – these will specify whether they should be public or private and what type of open space they will be.

And the other two recommendations that I mentioned earlier.



# Quantity

## ■ Base for Regulations

- ☐ Institute of Transportation Engineers (ITE) Handbook
- ☐ Other Communities' Standards
- ☐ Parking Studies
- ☐ Market/Business Interest

## ■ Ways of Regulating Parking

- ☐ Maximum
- ☐ Minimum
- ☐ Median



The first concern on parking regulations in the zoning ordinance is to provide quantity space requirements.

Regulations are going to be reviewed. Based on the list above.

There are three different ways to regulate parking. The idea of minimum requirements is to Prevent Spillover but to reduce grey-field impervious coverage that is essentially sits dormant most of the year. Current standards are based on Peak Demand (for a mall that would be Black Friday shopping). Requirement differs for Each Specific Use;

The second alternative is to have maximum requirements – this restricts the Total Number of Spaces (can be on use-by use basis or area-wide like a block); can complement Minimum

### Median Parking

Middle of the Minimum & Maximum

Developer Provide Documentations Justify a Different Level



# Where to Park?

## ■ Types of Parking

- ☐ Single Use
- ☐ Shared

## ■ Zoning Parking Areas

- ☐ "Greyfield"
- ☐ Garages / Structured
- ☐ Automated



Shared - Parking is Used Jointly by Buildings/Uses; Takes Advantage of Different Parking Characteristics; Shared Parking Table;

1) is **off-street or greyfield** - **most common**; **a lot of land area**

2) **Structured** - **high land value**, architectural form, size, where the **high cost of construction, facades, or exterior treatments**  
**Density; more in less Area**

3) **Automated Structures** Are used in area where land is limited or value is high. They take up **half the area** that off-street or Structured parking needs. How they are **screened** is important. They are also safer in that they reduce theft.

All parking lot most relate to the street but all of them should be seen

# Design

## ■ Size of Spaces

- Place for vehicles
- Place to get out of vehicle

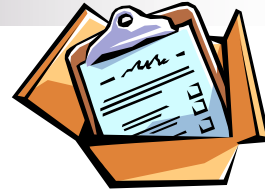
## ■ Landscaping

- Environmental Concerns
- Aesthetic Concerns



- Off-street parking requires landscaping to divided large area of asphalt and limit environmental affect such as heat island with shade tree, runoff with buffer area and previous land. Screening for off street parking can be done in a number of ways including landscaping, wrapped with builds..
- the same type of screening can be used for structured parking, but structured parking most also take into account how it relates to the surrounding architecture, in terms of size, form, and facades
  - Require more design consideration but use both structured and off-street design goal.

## Recommendations



- Maintain residential and industrial req.
- Increase shared parking
- Regulate for automated structures.
- Provide design guidelines for garages
- Include maximum parking cap
- Increase landscaping / screen requirements





This is what the landscaping requirements will look like compared to the current standards.



## Sidewalks

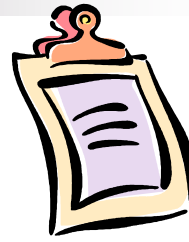
- **S**torefront Zone: Narrow area next to building used for bays, enhanced entries, seating, etc.
- **H**allway Zone: Public walking portion.
- **O**utside Zone: Area between walkway and street – used for tree plantings, outdoor seating, amenities.
- **P**arking/Pedestrian Zone: Safe area next to curb.



**No current standards except in some neighborhood plans.**



# Recommendations



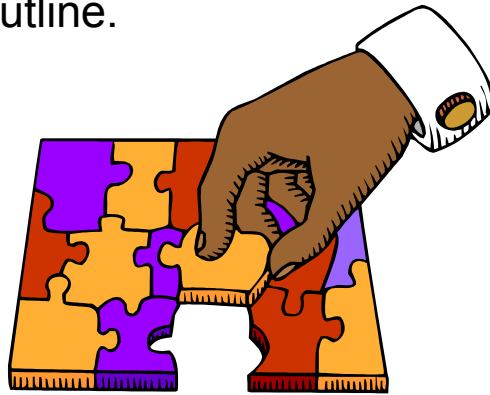
- Create sidewalk standards
- Develop standards based on street classifications
- Provide added regulations for outdoor café seating
- Provide standards/guidelines for underground utility location





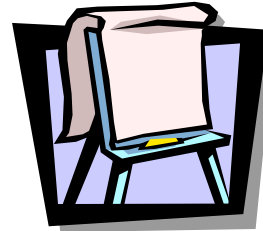
## Direction for Tonight

Staff seek direction from Mayor and Council to continue developing these policies as develop outline.



As you may have noticed already, zoning is a fluid process. Each topic addressed so far and each topic we will continue to address is interrelated. Consider each paper topic / each zoning topic as a separate puzzle piece. Each puzzle piece is developed separately – we will not know what full picture will be until it is assembled altogether. We still have to paint details on each piece but when see whole picture together, might have to come back and tweak the image on the individual pieces. As that happens, we will make updated reports when policy changes.

## Summary



- Clarify accessory regulations
- Maintain majority of approving body regulations
- Develop two new special development procedures:
  - Amenity Development Option
  - Planned Development Procedure

All I've said today can be summarized into a number of key points –

1. We'd like to streamline the ordinance – make it easier for new readers to understand, to get rid of gratuitous information; include more illustrations, etc.
2. The main requirements of residential districts would remain the same;
3. The commercial, office, (urban) areas of the City will be changed – increased mix of uses, more emphasis on form in those districts
4. While we want to provide regulations to assist with consistent interpretations, we also like to provide more flexibility in the ordinance for those sites where something special is proposed but which we can't foresee now. This is hard to do as you can imagine. There has never been a perfect ZO. They always require amendment and this will be no exception. The revision however is an opportunity to review what development we currently have, and regulate for what we want to see, so to limit the number of necessary amendments in the near future.

This will be a break from what we know now – will need to consider new definitions and maybe new terms to help us think in these new ways

## Summary



- Review land uses for current city needs
- Add two new residential regulations to minimize impervious surfaces
  - Main building lot coverage
  - Vegetative covering requirement
- Modify parking requirements
  - Add more landscaping
  - Provide for new parking types – shared / automated

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## Upcoming Schedule

- March 6<sup>th</sup> – City Environment Paper
- RORZOR Committee
  - Meet *mid-March* through *April* on outline
- Joint meeting in May
  - RORZOR
  - Planning Commission
  - Mayor and Council